

# **LOCAL RULES FOR THE CIRCUIT AND SUPERIOR COURTS GIBSON COUNTY, INDIANA**

Pursuant to Trial Rule 81 of the Indiana Rules of Procedure, the Gibson Circuit Court and the Gibson Superior Court hereby adopt the following local rules for all matters and cases in the Courts of Gibson County.

These rules shall apply to all cases in the Courts in Gibson County unless a Court, on its own motion or upon good cause shown by a party or attorney of record, grants relief from the operation of any of these rules.

<b>LR26-TR79-001</b>	<b>Selection of Special Judges in Civil Cases under Trial Rule 79(H)</b>
<b>LR26-CR2.2-002</b>	<b>Assignment and Reassignment of Judges in Criminal Cases</b>
<b>LR26-AR15-003</b>	<b>Court Reporter Fees</b>
<b>LR26-AR1-004</b>	<b>Case Allocation Plan</b>
<b>LR26-AR00-005</b>	<b>Alcohol and Drug Program Fees</b>
<b>LR26-FL00-006</b>	<b>Children in Dissolution Cases</b>

*(Updated effective January 1, 2011)*

**LR26-TR79-001****Selection of Special Judges in Civil Cases under  
Trial Rule 79(H)**

In the event a special judge selected under Trial Rule 79, Sections (D) (E) or (F) does not accept the case or a judge disqualifies and recuses under Trial Rule 79(C), the then presiding judge shall appoint a special judge from the following list of presiding judges in the respective courts, with the Circuit Court commencing from the top of the list and proceeding in descending order and the Superior Court commencing at the bottom of the list and proceeding in ascending order:

Posey Circuit Court  
Posey Superior Court  
Vanderburgh Circuit Court  
Vanderburgh Superior Court(s)  
Warrick Circuit Court  
Warrick Superior Court I  
Warrick Superior Court II  
Pike Circuit Court  
Knox Circuit Court  
Knox Superior 1 Court  
Knox Superior 2 Court

A person selected and appointed to serve under this rule shall accept jurisdiction in the case unless disqualified pursuant to the Code of Judicial Conduct, ineligible for service under Trial Rule 79 or is excused from service by the Indiana Supreme Court.

If the judge selected to serve is disqualified or is excused from service, the then presiding judge shall appoint the next judge on the list. If no judge on the list is eligible to serve as special judge or the particular circumstances in the case so warrant, the then presiding judge in the case shall certify the matter to the Indiana Supreme Court for the appointment of a special judge pursuant to TR79(H)(3).

**Assignment and Reassignment of Judges in Criminal Cases**

1. All misdemeanor and felony cases shall be filed in the courts of record in Gibson County on a random basis pursuant to the procedure and subject to the exceptions as set forth in this rule.
2. The Clerk of the courts shall create a series of tokens representing the Circuit Court and a distinguishable but equal number of tokens representing Superior Court. An equal number of tokens shall be placed in an appropriate container. Upon the prosecutor specifically identifying the name of the Defendant against whom charges are being filed, the Clerk shall randomly draw one token and the case shall be docketed in the Court represented by the token drawn. The tokens drawn shall not be placed into the token container until the container becomes empty. At that time, the container shall be refilled and the process repeated.
3. With permission of the judges, the Clerk may replace the token and container process with a computerized random draw so long as the computerized process complies fully with the provisions of this rule.
4. Notwithstanding the requirement of random draw as set forth in paragraph 1, cases in which the most serious count alleges the commission of a misdemeanor or a felony set forth in Title 9 of the Indiana Code, shall be filed and docketed in the Superior Court.
5. In the event the prosecutor files any additional charges against a Defendant against whom charges are pending, these subsequent charges shall be filed and docketed in the court as the original charges.
6. In the event the prosecutor files charges against a Defendant who is on probation at the time the additional charges are filed, these charges shall be docketed in the same court through which the Defendant is serving probation.

7. In the event a special judge is to be selected upon the granting of a motion for change of venue from the judge or an order of disqualification or recusal is entered in the case, a special judge shall be appointed from the following list of presiding judges in the respective courts and Senior Judges, with Circuit Court commencing from the top of the list and proceeding in descending order and Superior Court beginning at the bottom of the list and proceeding in ascending order:

	Posey Circuit Court
	Posey Superior Court
	Pike Circuit Court
	Warrick Circuit Court
	Warrick Superior Court I
	Warrick Superior Court II
	Vanderburgh Superior Court
	Vanderburgh Superior Court
Donald Hendrickson (Senior Judge)	Warrick County
Edward A. Campbell (Senior Judge)	Warrick County

8. Pursuant to I.C. §33-29-6-1 and I.C. §33-29-6-2 the judges of the courts reserve the right to transfer cases as they deem appropriate.

**DEFINITIONS**

1. **Regular Hours** - the regular hours of the Court Reporter shall be the same as the regular hours during which the Court is normally open. This shall mean 8 a.m. to 12 noon, and from 1 p.m. to 4 p.m. each day, Monday through Friday, excluding Court holidays.

2. **Gap Hours** - means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.

3. **Overtime Hours** - means those hours worked in excess of forty (40) hours per work week.

4. **Work Space** - means that portion of the Court's facilities dedicated to each Court Reporter, including but not limited to, actual space in the Courtroom and any designated office space.

5. **Equipment** - means all physical items owned by the Court or other governmental entity and used by a Court Reporter in performing reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording, storing and transcribing electronic data.

6. **Page** - means the page unit of a transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.

7. **Court Reporter** - means a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.

8. **Recording** - means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

9. **Court** - means the particular court for which the court reporter performs services. Court may also mean all of the courts in Gibson County.

10. **County Indigent Transcript** - means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.

11. **State Indigent Transcript** - means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.

12. **Private Transcript** - means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

## **RULES**

1. Each Court Reporter shall be paid an annual salary for time spent working under the control, direction and direct supervision of the court during regular work hours, gap hours or overtime hours.
2. County indigent transcript preparation shall be billed in an amount not to exceed \$7.50 per page. The fee shall be paid by the County upon a claim duly submitted by the Court Reporter.
3. State indigent transcripts shall be billed at an amount not to exceed \$7.50 per page.
4. Private transcripts shall be billed at an amount not to exceed \$7.50 per page.
5. Each Court Reporter shall report annually to the Indiana Supreme Court, Division of State Court Administration, all transcript fees received by said Court Reporter. This requirement extends to and includes county indigent, state indigent and private transcripts. This report shall be filed on or before the last Friday in March of each year.
6. In the event that a Court Reporter desires to engage in private practice in addition to Court duties, such as recording and/or transcription of depositions, and further desires to utilize Court equipment, work space and supplies, the Court and Court Reporter shall enter into a written agreement concerning reimbursement to the court for usage of said items. At a minimum, said agreement will designate the following:
  - (a.) the reasonable market rate for the use of equipment, work space and supplies;
  - (b.) the method by which records are to be kept for the use of equipment, work space and supplies;
  - (c.) the method by which the Court Reporter is to reimburse the Court for the use of the equipment, work space and supplies.
7. If a Court Reporter elects to engage in private practice, said practice shall be conducted outside regular working hours, or by employing personal time by agreement with the Court.
8. In regard to gap hours, the Court Reporter shall be entitled to compensatory time of one hour (or fraction thereof) for each hour (or fraction thereof) of gap time.
9. In regard to overtime hours, a Court Reporter shall be entitled to compensatory time of one and one-half (1½ ) hours (or fraction thereof) for each hour (or fraction thereof) of overtime hours.

10. In no event shall a Court Reporter be entitled to compensation for private practice, or compensation for county indigent transcripts, state indigent transcripts or private transcripts performed during regular work hours, except by utilizing personal time as per paragraph 7.

11. A minimum fee of \$35.00 per transcript is permissible (this minimum fee would be instead of a per page fee for those transcripts that are small).

12. Index and Table of Contents Pages prepared by the Reporter are to be charged at the per page rate being charged for the rest of the transcript.

13. An additional labor charge of \$15.00 per hour may be charged by the Court Reporter (based on the Court Reporter's annual salary) for the time spent binding the transcript and the exhibit binders.

14. Preparation of the separately-bound volumes of exhibits as required by Rule 29 is to be considered a part of the Transcript process and billed at the same page per rate.

15. A reasonable charge for the office supplies required and utilized for the binding and electronic transmission of the Transcript, pursuant to Indiana Rules of Appellate Procedure 28 and 29, is permissible. The costs of these supplies shall be determined pursuant to the Schedule of Transcript Supplies which is to be established and published annually by the judge or judges of this county.

## **JOINT SCHEDULE OF TRANSCRIPT SUPPLIES**

Pursuant to Indiana Rules of Appellate Procedure 28 and 29, the Gibson Circuit Court and Gibson Superior Court now establish and publish the following Joint Schedule of Transcript Supplies for purposes of supplies required and utilized for the binding and electronic transmission of the Transcript:

<b>TYPE OF SUPPLIES</b>	<b>PRICE PER ITEM</b>
Electronic media	\$.80
Clasp envelope - extra heavy 10" x 13"	\$.50
Clasp envelope - extra heavy 12" x 15½"	\$.60
Clasp envelope - extra heavy 10" x 15" x 2"	\$1.00
2" tang binder	\$3.00
1 1/8" tang binder	\$2.50
Disk pocket with flap	\$1.00
Expandable window envelope 10" x 13" x 2"	\$3.50
Full-view window envelope 9½" x 12½"	\$2.00



1. On or before April 12 of each year the Judge of the Gibson Circuit Court and the Judge of the Gibson Superior Court shall meet to review the Weighted Caseload Measures statistics as calculated by the Division of State Court Administration for the preceding calendar year. The Court utilization percentage of the two Courts shall be compared and if the utilization percentages are within 25 points of one another, it shall be presumed that no action is necessary to reduce the disparity. If the utilization percentage between the courts differs by more than 40 points in a calendar year or by more than 20 points for two consecutive years, it will be presumed that the disparity must be reduced, unless the judges agree otherwise after discussing and evaluating the various relevant factors.
2. Should action be required to reduce a disparity in caseload, the Judges may agree to accomplish the reduction in any reasonable manner. If the caseload disparity warrants action but the Judges cannot agree on an equalization procedure, the reduction of the disparity shall be accomplished through implementation of a random filing system for civil collection (CC) cases. Specifically, the Judges shall implement a random assignment system for civil collection (CC) cases with the court having the lower utilization percentage receiving two cases for every one case received by the Court having the higher utilization percentage. Unless otherwise agreed by the Judges, the random assignment for civil plenary cases shall continue until the end of the calendar year in which it was implemented.
3. As part of the Gibson County Plan for Allocation of Judicial Resources, the Judge of the Gibson Circuit Court and the Judge of the Gibson Superior Court shall be reasonably available for the assignment of cases throughout the administrative district consistent with the comparative utilization levels for the Courts within the district and as provided in the Administrative District 13 Plan for Allocation of Judicial Resources.

**LR26-AR00-005****Alcohol and Drug Program Fees**

Those persons directed to participate in the Gibson County Alcohol and Drug Program shall pay a \$175 program fee, as well as any additional costs associated with recommended treatment. There is also a \$25 drug test fee.

**LR26-FL00-006****Children in Dissolution Cases**

1. This rule applies to all parties in all dissolution of marriage, separate maintenance, change of custody, visitation, other domestic relations actions, excluding domestic violence and contempt actions, filed on or after October 20, 1993, where the interests of children under 18 years of age are involved.

2. All parties shall successfully complete the program entitled “**Transparenting - Moving Families Through Change.**”

3. The seminar shall be successfully completed within 60 days of service of the original petition upon the original respondent.

4. Upon a party’s failure to successfully complete the seminar pursuant to this rule, the assigned Judge may take appropriate action, including but not limited to actions for contempt.

5. The attorney(s) will be responsible for providing their client a copy of the brochure of Doulos, Inc. which contains the seminar admission form and information. The Clerk of this Court will be responsible for attaching a copy of said brochure to the service of process issuing from this office.

6. For good cause shown, the assigned Judge may waive the requirement of completion of this program in individual cases.